
By: **Senators Klausmeier, Astle, Exum, Garagiola, Lawlah, Middleton, and Teitelbaum**

Introduced and read first time: February 6, 2004

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Long-Term Care Advisory Committee**

3 FOR the purpose of changing the name of the Oversight Committee on Quality of
4 Care in Nursing Homes to the Long-Term Care Advisory Committee; altering
5 the membership of the Committee; altering the duties of the Committee;
6 altering certain reporting requirements; repealing a certain termination
7 provision; and generally relating to long-term care and the Long-Term Care
8 Advisory Committee.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 19-1409
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,
15 Chapter 216 of the Acts of the General Assembly of 2000
16 Section 2

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health - General**

20 19-1409.

21 (a) There is [an] A LONG-TERM CARE [Oversight] ADVISORY Committee [on
22 Quality of Care in Nursing Homes].

23 (b) The [Oversight] ADVISORY Committee shall consist of the following
24 members:

25 (1) Two members of the Senate [Finance Committee], appointed by the
26 President of the Senate;

- 1 (2) [Two members of the Senate Education, Health, and Environmental
2 Affairs Committee, appointed by the President of the Senate;
- 3 (3) Four] TWO members of the House [Environmental Matters
4 Committee,] OF DELEGATES, appointed by the Speaker of the House;
- 5 [(4)] (3) The Secretary of the Department of Aging, OR THE
6 SECRETARY'S DESIGNEE;
- 7 [(5)] (4) The Secretary of the Department of Health and Mental
8 Hygiene, or the Secretary's designee;
- 9 [(6)] (5) [Three] TWO representatives of area agencies on aging,
10 appointed by the Secretary of Aging;
- 11 [(7)] (6) One representative from the Health Facilities Association of
12 Maryland;
- 13 (7) TWO REPRESENTATIVES FROM MID-ATLANTIC LIFESPAN, AT LEAST
14 ONE OF WHOM IS AN ASSISTED LIVING PROVIDER LICENSED FOR LESS THAN 15
15 BEDS;
- 16 [(8)] One representative from the Mid-Atlantic Non-Profit Health and
17 Housing Association;]
- 18 [(9)] (8) One representative of the Hospice Network of Maryland;
- 19 [(10)] (9) One representative of the Maryland Hospital Association;
- 20 [(11)] (10) One representative of the Service Employees International
21 Union; [and]
- 22 (11) ONE REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF
23 ADULT DAY CARE CENTERS, DESIGNATED BY THE MARYLAND ASSOCIATION OF
24 ADULT DAY CARE CENTERS;
- 25 (12) ONE REPRESENTATIVE FROM THE MARYLAND CONTINUING CARE
26 RESIDENTS' ASSOCIATION, DESIGNATED BY THE MARYLAND CONTINUING CARE
27 RESIDENTS' ASSOCIATION;
- 28 (13) A PERSON REPRESENTING HOME HEALTH PROVIDERS;
- 29 (14) ONE REPRESENTATIVE FROM THE MARYLAND ALZHEIMER'S
30 ASSOCIATION;
- 31 [(12)] (15) Two consumer members appointed by the Governor; AND
- 32 (16) TWO REPRESENTATIVES FROM LOCAL AND STATE ACADEMIC
33 INSTITUTIONS WITH AN EXPERTISE IN GERIATRICS, ONE OF WHOM SHALL SERVE AS
34 CHAIRMAN.

1 [(c) The Secretary of Aging shall chair the Oversight Committee.

2 (d) The Oversight Committee shall monitor and evaluate implementation of
3 the recommendations of the Task Force on Quality of Care in Nursing Facilities,
4 created pursuant to Chapters 382 and 383 of the Acts of the General Assembly of 1999
5 and relevant legislation enacted subsequent to the recommendations of the Task
6 Force.

7 (e) The Oversight Committee shall evaluate the progress in improving
8 nursing home care quality statewide, including consideration of:

9 (1) Quality of care standards for nursing homes;

10 (2) Staffing patterns and staffing standards;

11 (3) Policies and procedures for inspecting nursing homes and responding
12 to quality of care complaints;

13 (4) A comparison of Maryland standards, policies, and procedures to
14 those in other states;

15 (5) The labor pool available to fill nursing and nursing aide jobs; and

16 (6) State funding mechanisms for nursing homes, including the Medicaid
17 Nursing Home Reimbursement System, and regulation of nursing homes.]

18 (C) THE ADVISORY COMMITTEE SHALL REVIEW AND COMMENT ON ISSUES
19 RELATING TO LONG-TERM CARE, INCLUDING:

20 (1) QUALITY AND ACCESS TO LONG-TERM CARE SERVICES;

21 (2) QUALITY OF CARE AT FACILITIES PROVIDING LONG-TERM CARE
22 SERVICES;

23 (3) THE AVAILABILITY AND COVERAGE OF LONG-TERM CARE
24 INSURANCE;

25 (4) THE MEDICAL ASSISTANCE PROGRAM;

26 (5) ANY PROPOSED STATE REGULATION AFFECTING LONG-TERM CARE
27 PROVIDERS PRIOR TO SUBMISSION TO THE JOINT COMMITTEE ON ADMINISTRATIVE,
28 EXECUTIVE AND LEGISLATIVE REVIEW;

29 (6) THE COSTS OF LONG-TERM CARE;

30 (7) THE STATE'S ROLE IN REGULATING CONTINUING CARE RETIREMENT
31 COMMUNITIES;

32 (8) THE STATUS OF MANDATED SURVEYS CONDUCTED BY THE OFFICE
33 OF HEALTH CARE QUALITY IN THE DEPARTMENT; AND

1 (9) ANY OTHER ISSUES RELATING TO LONG-TERM CARE IN MARYLAND.

2 [(f)] (D) (1) The Office of Health Care Quality in the Department of Health
3 and Mental Hygiene shall:

4 (I) MEET WITH PROVIDERS OF LONG-TERM CARE ON A
5 QUARTERLY BASIS TO DISCUSS OPERATIONAL ISSUES CONCERNING THE OFFICE OF
6 HEALTH CARE QUALITY, INCLUDING SURVEY TRENDS AND LICENSE ISSUANCE AND
7 RENEWAL; AND

8 (II) [submit] SUBMIT a report to the [Oversight] ADVISORY
9 Committee twice annually on the [implementation of the Task Force
10 recommendations and the] status of quality of care in [nursing homes]
11 STATE-REGULATED LONG-TERM CARE FACILITIES.

12 (2) The reports shall be submitted on March 1 and September 1 of each
13 year.

14 [(g)] (E) The Deputy Secretary of Health Care Financing shall report
15 annually to the [Oversight] ADVISORY Committee on the status of [the] Medicaid
16 FUNDING FOR LONG-TERM CARE SERVICES AND THE PROCESS FOR DETERMINING
17 MEDICAID ELIGIBILITY [Nursing Home Reimbursement System, which shall include
18 but not be limited to:

19 (1) Elements of the existing methodology that are no longer relevant;

20 (2) Elements of the existing methodology that can be revised;

21 (3) The appropriateness of redesigning the system given changing
22 demographics of the target population; and

23 (4) General Fund and federal fund savings from a system redesign that
24 may be redirected to nursing home staff development in the nursing cost center].

25 [(h)] (F) The [Oversight] ADVISORY Committee shall review the reports of
26 the Office of Health Care Quality and the Deputy Secretary of Health Care Financing
27 and develop recommendations to continue improvement in [nursing home care]
28 LONG-TERM CARE SERVICES IN MARYLAND.

29 [(i)] (G) The [Oversight] ADVISORY Committee shall report its findings and
30 recommendations to the Governor and, subject to § 2-1246 of the State Government
31 Article, to the General Assembly on or before December 1 of each year.

32 [(j)] (H) The Department of Aging, with assistance from the Department of
33 Health and Mental Hygiene and the Department of Legislative Services, shall provide
34 staff support for the [Oversight] ADVISORY Committee.

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Chapter 216 of the Acts of 2000

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2000. [It shall remain effective for a period of 5 years and 3 months and, at
4 the end of December 31, 2005, with no further action required by the General
5 Assembly, this Act shall be abrogated and of no further force and effect.]

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.